UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/75
18 December 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 15 of the provisional agenda

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Inventory of all international human rights standard-setting activities

Note by the High Commissioner for Human Rights

Introduction

1. In its resolution 1995/92, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission on Human Rights requested the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141, to maintain an inventory of all international human rights standard-setting activities, in order to facilitate better informed decision-making.

2. One of the most important contributions of the United Nations to the protection of human rights is in the setting of international standards. In this connection, the World Conference on Human Rights recognized the need to maintain consistency with the high quality of existing international standards and to avoid proliferation of human rights instruments, reaffirmed the guidelines relating to the elaboration of new international instruments set by the General Assembly (resolution 41/120 of 4 December 1986) and called on the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments.

3. The present note has been prepared to bring the Commission up to date on the inventory of all international human rights standard-setting activities as presented in the report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1994/19 (E/CN.4/1995/81), the format of which is pursued in this report.

I. STANDARD-SETTING ACTIVITIES ALREADY EMBARKED UPON BY THE COMMISSION ON HUMAN RIGHTS

Declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

4. By decision 1984/116 of 16 March 1984, the Commission on Human Rights decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. This decision was approved by the Economic and Social Council in its decision 1985/152 of 30 May 1985. So far the working group has held 11 sessions. At its 1996 session, the report on which can be found in document E/CN.4/1996/97, the working group continued the second reading of the draft declaration. The report of the twelfth session of the working group will be published in document E/CN.4/1997/92.

Optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

5. By decision 1992/43 of 3 March 1992, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights in order to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of Costa Rica (see E/CN.4/1994/66) and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture. This decision was approved by the Economic and Social Council in its resolution 1992/6 of 20 July 1992. During its fifth session, in 1996, report on which can be found in document E/CN.4/1997/33, the working group commenced the second reading of the draft optional protocol.

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication

6. By its resolution 1994/90 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication. By resolution 1994/9 of 22 July 1994, the Economic and Social Council approved this decision.

7. At its fifty-second session, the Commission had before it the report of the working group on its second session (E/CN.4/1996/101). Furthermore, in its resolution 1996/85 of 24 April 1996, the Commission requested the working group to meet for a period of two weeks prior to its fifty-third session with a view to finalizing the draft optional protocol. The report of the third session of the working group will be issued as document E/CN.4/1997/97.

Optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts

8. By its resolution 1994/91 of 9 March 1994, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child using as one basis for its discussions the preliminary draft optional protocol submitted by the Committee on the Rights of the Child (E/CN.4/1994/91, annex). This decision was approved by the Economic and Social Council in its decision 1994/10 of 22 July 1994.

9. At its fifty-second session, the Commission had before it the report of the working group on its second session (E/CN.4/1996/102). Furthermore, in its resolution 1996/85, the Commission requested the working group to meet for a period of two weeks prior to its fifty-third session with a view to finalizing the draft optional protocol. The report of the working group on its third session can be found in document E/CN.4/1997/96.

Draft declaration on indigenous people

10. In resolution 1995/32 of 3 March 1995 the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples" for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People. This decision was endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995.

11. At its fifty-second session, the Commission, in its resolution 1996/38, having taken note of the report of the first session of the working group (E/CN.4/1996/84), requested the working group to submit a progress report to it at its fifty-third session. The report of the second session of the working group can be found in document E/CN.4/1997/102.

II. STANDARD-SETTING ACTIVITIES PROPOSED BY THE COMMISSION ON HUMAN RIGHTS

Optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant

12. In its resolution 1995/15 of 24 February 1995, the Commission on Human Rights invited the Committee on Economic, Social and Cultural Rights to report to the Commission on Human Rights at its fifty-second session on the steps taken for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant. In its resolution 1996/11 of 11 April 1996, the Commission welcomed the information submitted by the Committee on the above-mentioned issue (E/CN.4/1996/96).

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

13. In its resolution 1996/35 of 19 April 1996, the Commission on Human Rights encouraged the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms at its forty-eighth session with a view to making substantive progress on this matter. In the same resolution, the Commission requested the Secretary-General to prepare an additional report on this subject for submission to the Commission at its fifty-third session (E/CN.4/1997/29).

Declaration of Minimum Humanitarian Standards

14. In its resolution 1995/29 of 3 March 1995, the Commission on Human Rights, having taken note of resolution 1994/26 of 26 August 1994 of the Sub-Commission in which the Sub-Commission decided to transmit the text of the Declaration of Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55), adopted by a group of experts at a meeting in Turku (Abo), Finland, in December 1990, to the Commission with a view to its further elaboration and eventual adoption, requested the Secretary-General to transmit the text of the Declaration to Governments and intergovernmental and non-governmental organizations for their comments and to submit a report on the matter to the Commission at its fifty-second session (E/CN.4/1996/80).

15. In its resolution 1996/26 of 19 April 1996, the Commission requested the Secretary-General to transmit the text of the resolution to Governments, intergovernmental and non-governmental organizations for their comments and to submit a report on this matter to the Commission at its fifty-third session (E/CN.4/1997/77).

Internally displaced persons

16. In its resolution 1996/52 of 19 April 1996, the Commission on Human Rights took note, inter alia, with interest of the compilation and analysis of the legal norms submitted by the representative of the Secretary-General included in his report to the Commission (E/CN.4/1996/52 and Add.1 and 2) and requested the Secretary-General to publish and to widely disseminate them. The Commission also called upon the representative of the Secretary-General to continue on the basis of his compilation and analysis of legal norms, to develop an appropriate framework in this regard for the protection of internally displaced persons and to report thereon to the Commission at its fifty-third session (E/CN.4/1997/43).

Protection of the heritage of indigenous people

17. By its resolution 1996/63 of 23 April 1996, the Commission recommended to the Economic and Social Council that it requests the Secretary-General to transmit the final report of the Special Rapporteur on the protection of the heritage of indigenous people to Governments, specialized agencies, indigenous people communities and organizations, inter-governmental and non-governmental organizations and that it requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received for submission to the forty-eight session of the Sub-Commission. By its resolution 1996/24 of 23 July 1996, the Economic and Social Council endorsed the contents of Commission resolution 1996/63.

Third optional protocol to the International Covenant on Civil and Political Rights on the right to a fair trial and a remedy

18. In its decision 1995/110 of 3 March 1995, the Commission on Human Rights decided to consider, at its fifty-second session, the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

III. STANDARD-SETTING ACTIVITIES PROPOSED OR CONDUCTED BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Draft principles and guidelines for the protection of the heritage of indigenous people

19. In its resolution 1996/37 of 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to transmit to the Commission on Human Rights the principles and guidelines for the protection of the heritage of indigenous people annexed to the final report of the Special Rapporteur (E/CN.4/Sub.2/1995/26), with the recommendation that they be adopted. The Sub-Commission also commended the Special Rapporteur for the additional information, clarifications and recommendations contained in her supplementary report (E/CN.4/Sub.2/1996/22).

20. In the same resolution, the Sub-Commission recommended to the Commission that it request the Secretary-General to convene a technical meeting of

representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider how they can contribute to her work, and to transmit the report of this meeting to the Sub-Commission and the Commission.

Basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

21. In its decision 1995/103 of 1 August 1995, the Sub-Commission decided to establish a sessional working group on the administration of justice and the question of compensation. In its resolution 1996/28 the Sub-Commission decided to transmit the revised basic draft principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law to the Commission for its consideration together with the comments of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1996/16).

22. In the same resolution, the Sub-Commission requested the former Special Rapporteur, Mr. Theo van Boven, to prepare, without financial implications, a note taking into account the comments and observations of the working group and the Sub-Commission in order to facilitate the examination by the Commission of the draft basic principles and guidelines.

Draft international convention on housing rights

23. In its resolution 1994/38 of 26 August 1994, the Sub-Commission took note with interest of the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1994/20). A note by the Secretariat was submitted to the Sub-Commission at its forty-eighth session on the right to adequate housing (E/CN.4/1996/10).

Guidelines on international events and forced evictions

24. In its resolution 1996/27 of 29 August 1996, the Sub-Commission requested the Secretary-General, in accordance with Economic and Social Council decision 1996/290, to convene an expert seminar on the practice of forced evictions and its relationship to internationally recognized human rights, with a view to developing a set of comprehensive human rights guidelines on forced evictions, and to submit the report on the seminar, together with the guidelines, to the Sub-Commission at its forty-ninth session.